

NORTH CAROLINA GENERAL ASSEMBLY



JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE

REPORT TO THE 2010 SESSION of the 2009 GENERAL ASSEMBLY

MAY 11, 2010

TRANSMITTAL LETTER

The Joint Legislative Transportation Oversight Committee respectfully submits the following report.

Representative Nelson Cole
Co-Chair

Senator Steve Goss
Co-Chair

COMMITTEE PROCEEDINGS

Below is a brief summary of the Committee's proceedings. A more detailed record of the Committee's work can be found in the Committee's notebook, located in the Legislative Library.

November 17, 2009

The first meeting of the Joint Legislative Transportation Oversight Committee during the 2009-2010 interim was held Tuesday, November 17, 2009 in Room 1228 of the Legislative Building. After reviewing the charge to the committee and introductions, the chair recognized Secretary Gene Conti to give a report on DOT management initiatives. After questions and Committee discussion, the Chair recognized Mr. Jim Trogdon, Chief Operating Officer, DOT, to speak on transportation reform efforts within the Department. The Committee next heard from Michael Robertson, DMV Commissioner, who addressed general issues related to the Division's management, and the electronic inspection program. The final speaker at the meeting was Victor Barbour, Administrator, Technical Services Division. Mr. Barbour gave an update on ARRA funding and the project selection process.

December 8, 2009

The second meeting of the Committee during the 2009-2010 interim was held Tuesday, December 8, 2009 at 10:00 a.m. in Room 1228 of the Legislative Building. The Committee first heard a presentation from Burt Tasaico, State Program Analysis Engineer, DOT, who presented DOT's financial update. The Committee next heard from Jim Trogdon, Chief Operating Officer, DOT. Mr. Trogdon provided a financial update on the I-485 and I-85 proposals for Mecklenburg and Cabarrus counties. Next, there was a discussion on pavement life cycle cost analysis. Leif Wathne, Director of Highways, American Concrete Pavement Association; Jerry Reece, Executive Director, NC Concrete Pavement Association; Christie Barbee, Executive Director, Carolina Asphalt Pavement Association; Berry Jenkins, Jr., Carolinas Associated General Contractors Highways Division Director; and Terry Gibson, State Highway Administrator, DOT all spoke on the issue. The final speaker was Ronald G. Kaylor, Jr., Director, License and Theft Bureau, DMV. Mr. Kaylor spoke about dealer inventory "out of trust" related issues, concerning dealers who attempt to sell financed vehicles without titles.

January 19, 2010

The third meeting of the Committee during the 2009-2010 interim was held Tuesday, January 19, 2010 at 10:00 a.m. in Room 544 of the Legislative Office Building. The Committee first heard from Tony Morris, President and CEO, American Maglev Technology. Mr. Morris presented on green transportation projects in North Carolina. Next, David Joyner, Executive Director, North Carolina Turnpike Authority, presented his report

entitled "A Look Back at 2009," and also discussed the Turnpike Authority's plans in the year 2010 and beyond. The Committee then heard from Karlynn O'Shaughnessy, Fiscal Research Division. Ms. O'Shaughnessy presented a report on House Bill 1779 (which authorized the combined motor vehicle registration renewal and property tax collection system). After Ms. O'Shaughnessy's report, the following speakers presented their comments on the bill:

- Michael D. Robertson, Commissioner, Division of Motor Vehicles;
- David Baker, Director, Property Tax Division, Department of Revenue;
- Kevin Leonard, Director of Government Relations, Association of County Commissioners; and
- Patti Smithson and Annalee Griffin, Legislative Committee Co-Chairs, North Carolina Association of Motor Vehicle Registration Contractors.

March 17, 2010

The fourth meeting of the Committee during the 2009-2010 interim was held Wednesday, March 17, 2010 at 2:00 p.m. in Room 1228 of the Legislative Building. The Chair recognized Vance Holloman, Deputy State Treasurer, to present on transportation debt and the 2010 recommendations of the Debt Affordability Committee. Next, Victor Barbour, Administrator, Technical Services Division, Department of Transportation, presented on the I-85 Yadkin River Project. The Committee then heard from Pat Simmons, Director, Rail Division, Department of Transportation, who presented a report on federal high speed rail funds. Next, the Chair recognized Jim Westmoreland, Deputy Secretary of Transit, Department of Transportation and Jeff Tsai, Program Director, NCSU Institute for Transportation Research and Education, to present information on benchmarking and optimization of the North Carolina Ferry Services. The final speaker was Dr. Thomas "Danny" Boston, CEO, EuQuant, Inc., who gave a presentation entitled, "Measuring Business Opportunity, Disparity of NCDOT's State and Federal Programs."

April 6, 2010

The fifth meeting of the Committee during the 2009-2010 interim was held Tuesday, April 6, 2010 at 1:00 p.m. in Room 544 of the Legislative Office Building. The Chair recognized the following speakers to present their comments on issues related to the state's method for distributing transportation funds, commonly referred to as the "equity formula":

- Calvin Leggett, Manager, Program Development Branch, Department of Transportation;
- Mayor William V. "Bill" Bell, Durham, representing Metropolitan Mayors Coalition;
- Mayor Rebecca Smothers, High Point;
- Senator John Snow and Representative Roger West;
- Representative Winkie Wilkins and Leigh Woodall, Thoroughfare Advisory Chairman, Roxboro/Person County;
- Talmadge Baker, Piedmont Triad Rural Planning Organization;

- Ed Johnson, Capital Area MPO;
- Paul Meyer, League of Municipalities;
- Mike Kozlosky, Wilmington MPO;
- Craig Hughes, High Country RPO;
- Hank Graham, Gaston Urban Area MPO;
- David Hartgen, John Locke Foundation;
- Chandra Taylor, Southern Environmental Law Center;
- Stephen Jackson, North Carolina Budget and Tax Center;
- Joe Milazzo II, Regional Transportation Alliance;
- Tom Steepy, Chairman, 70 Corridor Commission; accompanied by Chuck Allen, Mayor Pro Tempore of Goldsboro, and Durwood Stephenson, Director, 70 Corridor Commission; and
- Marc Finlayson, Highway 17 Association.

Next, the Chair recognized the following speakers to present their comments on the issue of the feasibility of assessing a fee for traffic control services provided by the State Highway Patrol:

- Lieutenant Colonel Wellington Scott, Director of Field Operations, State Highway Patrol; and
- Lacy Love, Director of Asset Management, Department of Transportation.

April 29, 2010

The sixth meeting of the Committee during the 2009-2010 interim was held Tuesday, April 6, 2010 at 1:00 p.m. in Room 544 of the Legislative Office Building. The Committee first heard an update on the Charlotte Area Transit System from its Chief Executive Officer, Carolyn Flowers. Next, the Committee heard a presentation on driver distraction from Arthur Goodwin, Senior Research Associate, and Robert D. Foss, Ph.D, Senior Research Scientist and Director, Center for the Study of Young Drivers, UNC Highway Safety Research Center. Following this presentation, the Committee heard two presentations from DOT staff. The first presentation was on DOT's reform efforts, by Jim Trogdon, Chief Operating Officer, DOT. The second presentation was on DOT's I-95 Corridor Planning and Finance Study, by Roberto Canales, Secretary's Coordinator of Strategic Initiatives, DOT. The meeting concluded with a brief presentation of three proposed legislative initiatives from DOT on motor vehicles law changes, DOT powers and duties changes, and Turnpike Authority toll enforcement changes. The Committee also heard brief presentations on two other legislative proposals on bicycle safety changes, from Rep. Cole, and regulation of towing from private lots, from Sen. Rucho. The Committee postponed any action on the five legislative proposals until its May meeting.

May 11, 2010

The seventh meeting of the Committee during the 2009-2010 interim was held Tuesday, May 11, 2010 at 1:00 p.m. in Room 1027 of the Legislative Building. The Committee discussed and approved for introduction the five legislative proposals included in this report.

AUTHORIZING LEGISLATION

Article 12E.

Joint Legislative Transportation Oversight Committee.

§ 120-70.50. Creation and membership of Joint Legislative Transportation Oversight Committee.

The Joint Legislative Transportation Oversight Committee is established. The Committee consists of 18 members as follows:

- (1) Nine members of the Senate appointed by the President Pro Tempore of the Senate, at least two of whom are members of the minority party; and
- (2) Nine members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on January 15 of each odd-numbered year, except the terms of the initial members, which begin on appointment. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment. (1989, c. 692, s. 1.2; 1993, c. 321, s. 169.2(a); 2001-486, s. 2.4.)

§ 120-70.51. Purpose and powers of Committee.

- (a) The Joint Legislative Transportation Oversight Committee may:
 - (1) Review reports prepared by the Department of Transportation or any other agency of State government related, in any manner, to transportation, when those reports are required by any law.
 - (2) Monitor the funds deposited in and expenditures from the North Carolina Highway Trust Fund, the Highway Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation.
 - (3) Determine whether funds related, in any manner, to transportation are being spent in accordance with law.
 - (4) Determine whether any revisions are needed in the funding for a program for which funds in the Trust Fund, the Highway Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation may be used, including revisions needed to meet any statutory timetable or program.
 - (5) Report to the General Assembly at the beginning of each regular session concerning its determinations of needed changes in the funding or operation of programs related, in any manner, to transportation.

These powers, which are enumerated by way of illustration, shall be liberally construed to provide for the maximum oversight by the Committee of all transportation matters in this State.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee. (1989, c. 692, s. 1.2; 1993, c. 321, s. 169.2(b).)

§ 120-70.52. Organization of Committee.

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Transportation Oversight Committee. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is nine members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through 120-19.4.

(c) The Committee shall be funded by appropriations made to the Highway Trust Fund and allocated to the Intrastate System projects. Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee. (1989, c. 692, s. 1.2; 1993, c. 321, s. 169.2(c); 1996, 2nd Ex. Sess., c. 18, s. 8(g).)

MEMBERSHIP LIST

Senator Steve Goss, Co-Chair
16 W. Jones Street, Room 1028
Raleigh, NC 27601-2808
Steve.Goss@ncleg.net
(919) 733-5742

Senator Phillip Edward Berger
16 W. Jones Street, Room 1026
Raleigh, NC 27601-2808
Phil.Berger@ncleg.net
(919) 733-5708

Senator David W. Hoyle
320 N. Salisbury Street, Room 300-A
Raleigh, NC 27603-5925
David.Hoyle@ncleg.net
(919) 733-5734

Senator Neal Hunt
16 W. Jones Street, Room 1102
Raleigh, NC 27601-2808
Neal.Hunt@ncleg.net
(919) 733-5850

Senator Samuel Clark Jenkins
300 N. Salisbury Street, Room 308
Raleigh, NC 27603-5925
Clark.Jenkins@ncleg.net
(919) 715-3040

Senator John J. Snow, Jr.
16 W. Jones Street, Room 2111
Raleigh, NC 27601-2808
John.Snow@ncleg.net
(919) 733-5875

Senator Richard Yates Stevens
300 N. Salisbury Street, Room 406
Raleigh, NC 27603-5925
Richard.Stevens@ncleg.net
(919) 733-5653

Representative E. Nelson Cole, Co-Chair
16 W. Jones Street, Room 1218
Raleigh, NC 27601-2808
Nelson.Cole@ncleg.net
(919) 733-5779

Representative Kelly M. Alexander, Jr.
300 N. Salisbury Street, Room 632
Raleigh, NC 27603-5925
Kelly.Alexander@ncleg.net
(919) 733-5778

Representative Becky Carney
16 W. Jones Street, Room 1221
Raleigh, NC 27601-1096
Becky.Carney@ncleg.net
(919) 733-5827

Representative Lorene Thomason Coates
300 N. Salisbury Street
Raleigh, NC 27603-5925
Lorene.Coates@ncleg.net
(919) 733-5784

Representative James Walker Crawford, Jr.
16 W. Jones Street, Room 1326
Raleigh, NC 27601-1096
Jim.Crawford@ncleg.net
(919) 733-5824

Representative William A. Current, Sr.
300 N. Salisbury Street, Room 418A
Raleigh, NC 27603-5925
Bill.Current@ncleg.net
(919) 733-5809

Representative Robert Mitchell Gillespie
16 W. Jones Street, Room 1008
Raleigh, NC 27601-1096
Mitchg@ncleg.net
(919) 733-5862

Representative Grier Martin
16 W. Jones Street, Room 2123
Raleigh, NC 27601-1096
Grier.Martin@ncleg.net
(919) 733-5758

Representative Daniel Francis McComas
300 N. Salisbury Street, Room 506
Raleigh, NC 27603-5925
Danny.McComas@ncleg.net
(919) 733-5786
Representative Lucy T. Allen, Advisory
Member
300 N. Salisbury Street, Room 419B
Raleigh, NC 27603-5925
Lucy.Allen@ncleg.net
(919) 733-5860
Representative Arthur J. Williams,
Advisory Member
300 N. Salisbury Street, Room 637
Raleigh, NC 27603-5925
Arthur.Williams@ncleg.net
(919) 733-5906

STAFF:

Research Division (919) 733-2578 (919) 715-5460 (F) (919) 715-8365 (F)
Giles Perry – Giles.Perry@ncleg.net
Wendy Graf Ray – Wendy.GrafRay@ncleg.net

Fiscal Research Division (919) 733-4910 (919) 715-3589 (F)
Bob Weiss – Bob.Weiss@ncleg.net
Amna Cameron – Amna.Cameron@ncleg.net

Committee Assistants
Daladier Miller – senateca@ncleg.net (919) 301-1394
Anne Murtha – mccormickla@ncleg.net (919) 733-5654

PROPOSED LEGISLATION

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

U

D

BILL DRAFT 2009-RWz-28 [v.10] (04/27)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
5/10/2010 1:55:36 PM

Short Title: Motor Vehicles Law Changes.

(Public)

Sponsors: Unknown.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLES LAWS .
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-3 reads as rewritten:

"§ 20-3. Organization of Division.

The Commissioner, subject to the approval of the Secretary of the Department of Transportation, shall organize and administer the Division in such manner as he may deem necessary to conduct the work of the Division." The Commissioner shall have authority to transfer employees of the Division, upon request of the employee, from one locality in the State to another as the Commissioner may deem necessary. Any transfers under this section shall be to a position in the same salary grade as the position the employee is leaving.

SECTION 2. G.S. 20-7(f) reads as rewritten:

"(f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed pursuant to the provisions of this subsection:

(1) Duration of license for persons under age 18. – A full provisional license issued to a person under the age of 18 expires on the person's twenty-first birthday.

(2) Duration of original license for persons at least 18 years of age or older. – A drivers license issued to a person at least 18 years old but less than 54 years old expires on the birthday of the licensee in the eighth year after issuance. A drivers license issued to a person at least 54 years old expires on the birthday of the licensee in the fifth year after issuance. A commercial driver license shall expire on the birth date of the licensee in the fifth year after issuance. A commercial drivers license that has a vehicles carrying passengers (P) and school bus (S) endorsement issued pursuant to G.S. 20-37.16 shall expire on the birth date of the licensee three years after the date of issuance, if the licensee is certified to drive a school bus in North Carolina.

(2a) Duration of renewed licenses. – A renewed drivers license that was issued by the Division to a person at least 18 years old but less than 54 years old

1 expires eight years after the expiration date of the license that is renewed. A
2 renewed drivers license that was issued by the Division to a person at least
3 54 years old expires five years after the expiration date of the license that is
4 renewed. A commercial driver license shall expire on the birth date of the
5 licensee in the fifth year after issuance.

- 6 (3) Duration of license for certain other drivers. – The durations listed in
7 subdivisions (1), (2) and (2a) of this subsection are valid unless the Division
8 determines that a license of shorter duration should be issued when the
9 applicant holds valid documentation issued by, or under the authority of, the
10 United States government that demonstrates the applicant's legal presence of
11 limited duration in the United States. In no event shall a license of limited
12 duration expire later than the expiration of the authorization for the
13 applicant's legal presence in the United States.

- 14 (3a) When to renew. – A person may apply to the Division to renew a license
15 during the 180-day period before the license expires. The Division may not
16 accept an application for renewal made before the 180-day period begins.

- 17 (3b) Renewal for certain members of the Armed Forces and reserve components
18 of the Armed Forces.

19 a. The Division may renew a drivers license, without limitation on the
20 period of time before the license expires, if the person applying for
21 renewal is a member of the Armed Forces or of a reserve component
22 of the Armed Forces of the United States and provides orders that
23 place the member on active duty and duty station outside this State.

24 b. A person who is a member of a reserve component of the Armed
25 Forces of the United States whose license bears an expiration date
26 that occurred while the person was on active duty outside this State
27 shall be considered to have a valid license until 60 days after the date
28 of release from active duty upon showing proof of the release date,
29 unless the license was rescinded, revoked, or otherwise invalidated
30 under some other provision of law. Notwithstanding the provisions of
31 this sub-subdivision, no license shall be considered valid more than
32 18 months after the date of expiration.

- 33 (4) Renewal by mail. – The Division may renew by mail a drivers license issued
34 by the Division to a person who meets any of the following descriptions:

35 a. Is a member of the Armed Forces or a reserve component of the
36 Armed Forces of the United States serving on active duty and is
37 stationed outside this State.

38 b. Is a resident of this State and has been residing outside the State for
39 at least 30 continuous days.

40 When renewing a license by mail, the Division may waive the examination
41 that would otherwise be required for the renewal and may impose any
42 conditions it finds advisable. A license renewed by mail is a temporary
43 license that expires 60 days after the person to whom it is issued returns to
44 this State.

- 45 (5) License to be sent by mail. – The Division shall issue to the applicant a
46 temporary driving certificate valid for 20 days, unless the applicant is

1 applying for renewal by mail under subdivision (4) of this subsection. The
2 temporary driving certificate shall be valid for driving purposes only and
3 shall not be valid for identification purposes. The Division shall produce the
4 applicant's drivers license at a central location and send it to the applicant by
5 first-class mail at the residence address provided by the applicant, unless the
6 applicant is ineligible for mail delivery by the United States Postal Service at
7 the applicant's residence. If the United States Postal Service documents that
8 it does not deliver to the residential address provided by the applicant, and
9 the Division has verified the applicant's residential address by other means,
10 the Division may mail the drivers license to the post office box provided by
11 the applicant. Applicants whose only mailing address prior to July 1, 2008,
12 was a post office box in this State may continue to receive their license at
13 that post office box, provided the applicant's residential address has been
14 verified by the Division."

15 **SECTION 2.1.** G.S. 20-63(g) reads as rewritten:

16 "(g) Alteration, Disguise, or Concealment of Numbers. – Any operator of a motor
17 vehicle who shall willfully mutilate, bend, twist, cover or cause to be covered or partially
18 covered by any bumper, light, spare tire, tire rack, strap, or other device, or who shall paint,
19 enamel, emboss, stamp, print, perforate, or alter or add to or cut off any part or portion of a
20 registration plate or the figures or letters thereon, or who shall place or deposit or cause to be
21 placed or deposited any oil, grease, or other substance upon such registration plates for the
22 purpose of making dust adhere thereto, or who shall deface, disfigure, change, or attempt to
23 change any letter or figure thereon, or who shall display a number plate in other than a
24 horizontal upright position, shall be guilty of a Class 2 misdemeanor. Any operator of a motor
25 vehicle who shall willfully cover or cause to be covered any part or portion of a registration
26 plate or the figures or letters thereon by any device designed or intended to prevent or interfere
27 with the taking of a clear photograph of a registration plate by a traffic control or toll collection
28 system using cameras commits an infraction and shall be ~~fin~~ed-penalized under G.S. 14-3.1.
29 Any operator of a motor vehicle who shall otherwise intentionally cover any number or
30 registration renewal sticker on a registration plate with any material that makes the number or
31 registration renewal sticker illegible commits an infraction and shall be ~~fin~~ed-penalized under
32 G.S. 14-3.1. Any operator of a motor vehicle who covers any number or registration renewal
33 sticker on a registration plate with any transparent clear or color-tinted cover that makes the
34 numbers and letters or registration renewal sticker illegible commits an infraction and shall be
35 penalized under G.S. 14-3.1. Any operator of a motor vehicle who covers the State name, year
36 sticker, or month sticker on a registration plate with a license plate frame commits an infraction
37 and shall be ~~fin~~ed-penalized under G.S. 14-3.1. ~~Nothing in this subsection shall prohibit the use~~
38 ~~of transparent covers that do not prevent or interfere with the taking of a clear photograph of a~~
39 ~~registration plate by a traffic control or toll collection system using cameras."~~

40 **SECTION 3.** G.S. 20-64.2 is repealed.

41 *current text of G.S. 20-64:*

42 **§ 20-64.2. Permit for emergency use of registration plate.**

43 *The Commissioner may, if in his opinion it is equitable, grant to the licensee a special permit for the use of a*
44 *registration plate on a vehicle other than the vehicle for which the plate was issued, when the vehicle for which*
45 *such plate was issued is undergoing repairs in a regular repair shop or garage.*

1 Application for such permit shall be made on forms provided by the Division and must show, in addition to
2 such other information as may be required by the Commissioner, that an emergency exists which would warrant
3 the issuance of such permit.

4 Such permit shall be evidenced by a certificate issued by the Commissioner and which shall show the time of
5 issuance, the person to whom issued, the motor number, serial number or identification number of the vehicle on
6 which such plate is to be used and shall be in the immediate possession of the person operating such vehicle at all
7 times while operating the same. And such certificate shall be valid only so long as the vehicle for which the
8 registration plate has been issued shall remain in the repair shop or garage but not to exceed a period of 20 days
9 from its issuance. The person to whom the permit provided in this section is issued shall be liable for any
10 additional license fees or penalties that might accrue by reason of the provisions of G.S. 20-86 and 20-96 of the
11 General Statutes.

12 **SECTION 4.** G.S. 20-79 reads as rewritten:

13 **"§ 20-79. Dealer license plates.**

14 (a) How to Get a Dealer Plate. – The Division may issue a person licensed under
15 Article 12 of this Chapter the appropriate classification of dealer license plate. A person
16 eligible for a dealer license plate may obtain one by filing an application with the Division and
17 paying the required fee. An application must be filed on a form provided by the Division. The
18 required fee is the amount set by G.S. 20-87(7).

19 (b) Number of Plates. – A dealer who was licensed under Article 12 of this Chapter for
20 the previous 12-month period ending December 31 may obtain the number of dealer license
21 plates allowed by the following table; the number allowed is based on the number of motor
22 vehicles the dealer sold during the relevant 12-month period and the average number of
23 qualifying sales representatives the dealer employed during that same 12-month period:

24
25 Vehicles Sold In Relevant
26 12-Month Period

Maximum Number of Plates

27 Fewer than 12

4 3

28 At least 12 but less than 25

4 6

29 At least 25 but less than 37

5 7

30 At least 37 but less than 49

6 8

31 49 or more

At least ~~6~~ 8, but no more than ~~4~~ 5 times the
average number of qualifying sales representatives
employed by the dealer during the relevant
12-month period.

32
33
34
35
36 A dealer who was not licensed under Article 12 of this Chapter for part or all of the
37 previous 12-month period ending December 31 may obtain the number of dealer license plates
38 that equals four times the number of qualifying sales representatives employed by the dealer on
39 the date the dealer files the application. A "qualifying sales representative" is a sales
40 representative who works for the dealer at least 25 hours a week on a regular basis and is
41 compensated by the dealer for this work.

42 A dealer who sold fewer than 49 motor vehicles the previous 12-month period ending
43 December 31 but has sold at least that number since January 1 may apply for additional dealer
44 license plates at any time. The maximum number of dealer license plates the dealer may obtain
45 is the number the dealer could have obtained if the dealer had sold at least 49 motor vehicles in
46 the previous 12-month period ending December 31.

47 A dealer who applies for a dealer license plate must certify to the Division the number of
48 motor vehicles the dealer sold in the relevant period. Making a material misstatement in an

1 application for a dealer license plate is grounds for the denial, suspension, or revocation of a
2 dealer's license under G.S. 20-294.

3 A dealer engaged in the alteration and sale of specialty vehicles may apply for up to two
4 dealer plates in addition to the number of dealer plates that the dealer would otherwise be
5 entitled to under this section.

6 This subsection does not apply to manufacturers licensed under Article 12 of this Chapter.

7 (c) Form and Duration. – A dealer license plate is subject to G.S. 20-63, except for the
8 requirement that the plate display the registration number of a motor vehicle and the
9 requirement that the plate be a "First in Flight" plate. A dealer license plate must have a
10 distinguishing symbol identifying the plate as a dealer license plate. The symbol may vary
11 depending upon the classification of dealer license plate issued. The Division must provide
12 suitably reduced sized license plates for motorcycle dealers and manufacturers.

13 A dealer license plate is issued for a period of one year. The Division shall vary the
14 expiration dates of dealer registration renewals so that an approximately equal number expires
15 at the end of each month, quarter, or other period consisting of one or more months. A dealer
16 license plate may be transferred from one vehicle to another. When the Division issues a dealer
17 plate, it may issue a registration that expires at the end of any monthly interval. When one of
18 the following occurs, a dealer must surrender to the Division all dealer license plates issued to
19 the dealer:

- 20 (1) The dealer surrenders the license issued to the dealer under Article 12 of this
21 Chapter.
- 22 (2) The Division suspends or revokes the license issued to the dealer under
23 Article 12 of this Chapter.
- 24 (3) The Division rescinds the dealer license plates because of a violation of the
25 restrictions on the use of a dealer license plate.

26 To obtain a dealer license plate after it has been surrendered, the dealer must file a new
27 application for a dealer license plate and pay the required fee for the plate.

28 (d) Restrictions on Use. – A dealer license plate or dealer transporter plate may be
29 displayed only on a motor vehicle that meets all of the following requirements:

- 30 (1) Is part of the inventory of the dealer.
- 31 (2) Is not consigned to the dealer.
- 32 (3) Is covered by liability insurance that meets the requirements of Article 9A of
33 this Chapter.
- 34 (4) Is not used by the dealer in another business in which the dealer is engaged.
- 35 (5) Is driven on a highway by a person who meets one of the following
36 descriptions:
 - 37 a. Has a demonstration permit to test-drive the motor vehicle and
38 carries the demonstration permit while driving the motor vehicle.
 - 39 b. Is an officer or sales representative of the dealer and is driving the
40 vehicle for a business purpose of the dealer.
 - 41 c. Is an employee of the dealer and is driving the vehicle in the course
42 of employment.
 - 43 d. Is an employee of the dealer, or an employee of a business contracted
44 by the dealer to pick up and repair or otherwise prepare for sale, a
45 vehicle that is part of the inventory of the dealer. Where the vehicle
46 is being repaired or prepared for sale, the vehicle may only be

1 operated within a 10 mile radius of the place where it is being
2 repaired or prepared for sale.

3 e. Is an employee or contractor of the dealer when transporting a
4 vehicle that is part of the inventory of the dealer when the vehicle is
5 being transported to or from a vehicle auction, or transporting a
6 vehicle that is part of the inventory of the dealer to the dealer's
7 established saleroom.

8 f. A dealer transporter plate shall not be used for purposes of
9 subsections (a), (b), and (c) of this section.

10 (6) A copy of the registration card for the dealer plate or dealer transporter plate
11 issued to the dealer is carried by the person operating the motor vehicle or, if
12 the person is operating the motor vehicle in this State, the registration card is
13 maintained on file at the dealer's address listed on the registration card, and
14 the registration card must be able to be produced within 24 hours upon
15 request of any law enforcement officer.

16 A dealer may issue a demonstration permit for a motor vehicle to a person licensed to drive
17 that type of motor vehicle. A demonstration permit authorizes each person named in the permit
18 to drive the motor vehicle described in the permit for up to 96 hours after the time the permit is
19 issued. A dealer may, for good cause, renew a demonstration permit for one additional 96-hour
20 period.

21 A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the disposal
22 of a person except as authorized by this subsection.

23 (e) Sanctions. – The following sanctions apply when a motor vehicle displaying a
24 dealer license plate or a dealer transporter plate is driven in violation of the restrictions on the
25 use of the plate:

26 (1) The individual driving the motor vehicle is responsible for an infraction and
27 is subject to a penalty of fifty dollars (\$50.00).

28 (2) The dealer to whom the plate is issued is subject to a civil penalty imposed
29 by the Division of two hundred dollars (\$200.00).

30 (3) The Division may rescind all dealer license plates and dealer transporter
31 plates issued to the dealer whose plate was displayed on the motor vehicle.

32 A penalty imposed under subdivision (1) of this subsection is payable to the county where
33 the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision
34 (2) of this subsection shall be credited to the Highway Fund as nontax revenue.

35 (f) Transfer of Dealer Registration. – No change in the name of a firm, partnership or
36 corporation, nor the taking in of a new partner, nor the withdrawal of one or more of the firm,
37 shall be considered a new business; but if any one or more of the partners remain in the firm, or
38 if there is change in ownership of less than a majority of the stock, if a corporation, the business
39 shall be regarded as continuing and the dealers' plates originally issued may continue to be
40 used.

41 (g) Penalties. – The clear proceeds of all civil penalties, civil forfeitures, and civil fines
42 that are collected by the Department of Transportation pursuant to this section shall be remitted
43 to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

44 (h) Definition. – For purposes of this section, the term "dealer" means a person who is
45 licensed under Article 12 of this Chapter."

46 **SECTION 5.** G.S. 20-79.2 reads as rewritten:

1 **"§ 20-79.2. Transporter plates.**

2 (a) Who Can Get a Plate. – A ~~person engaged in a~~ business or a dealer licensed
3 pursuant to Article 12 of this Chapter requiring the limited operation of a motor vehicle for any
4 of the following purposes may obtain a transporter plate authorizing the movement of the
5 vehicle for the specific purpose:

- 6 (1) To facilitate the manufacture, construction, rebuilding, or delivery of new or
7 used truck cabs or bodies between manufacturer, dealer, seller, or purchaser.
- 8 (2) To repossess a motor vehicle. Any applicant for a transporter tag pursuant to
9 this subsection shall show proof of garage liability insurance coverage as
10 required by Article 9A of this Chapter. Issuance of a transporter plate for this
11 purpose shall be limited to a financial institution to repossess a motor vehicle
12 of which they are the recorded lienholder.
- 13 (3) To pick up a motor vehicle that is to be repaired or otherwise prepared for
14 sale by a dealer, to road-test the vehicle, if it is repaired, within a 10-mile
15 radius of the place where it is repaired, and to deliver the vehicle to the
16 dealer. Issuance of a transporter plate for this purpose shall be limited to
17 licensed dealers.
- 18 (4) To move a motor vehicle that is owned by the business and is a replaced
19 vehicle offered for sale. Issuance of a transporter plate for this purpose shall
20 be limited to licensed dealers.
- 21 (5) To take a motor vehicle either to or from a motor vehicle auction where the
22 vehicle will be or was offered for sale. Issuance of a transporter plate for this
23 purpose shall be limited to licensed dealers.
- 24 (6) To road-test a repaired truck whose GVWR is at least 15,000 pounds when
25 the test is performed within a 10-mile radius of the place where the truck
26 was repaired and the truck is owned by a person who has a fleet of at least
27 five trucks whose GVWRs are at least 15,000 pounds and who maintains the
28 place where the truck was repaired. Any applicant for a transporter plate
29 pursuant to this subsection shall show proof of garage liability insurance
30 coverage as required by Article 9A of this Chapter.
- 31 (7) To move a mobile office, a mobile classroom, or a mobile or manufactured
32 ~~home, home, or to transport a newly manufactured travel trailer, fifth-wheel~~
33 ~~trailer, or camping trailer between a manufacturer and a dealer. Any~~
34 ~~transporter plate used for this purpose shall not be used on the power unit.~~
- 35 (8) To drive a motor vehicle that is at least ~~25~~³⁵ years old to and from a parade
36 or another public event and to drive the motor vehicle in that event. A person
37 who owns a motor vehicle that is at least ~~25~~³⁵ years old is considered to be
38 in the business of collecting those vehicles. These vehicle shall be titled in
39 this State, and have proof of insurance as required under Article 9A of this
40 Chapter.
- 41 (9) To drive a motor vehicle that is part of the inventory of a dealer to and from
42 a motor vehicle trade show or exhibition or to, during, and from a parade in
43 which the motor vehicle is used. Issuance of a transporter plate for this
44 purpose shall be limited to licensed dealers.
- 45 (10) To drive special mobile equipment in any of the following circumstances:
46 a. From the manufacturer of the equipment to a facility of a dealer.

b. From one facility of a dealer to another facility of a dealer.

c. From a dealer to the person who buys the equipment from the dealer.

(b) How to Get a Plate. – A person-business may obtain a transporter plate by filing an application with the Division and paying the required fee. An application must be on a form provided by the Division and contain the information required by the Division. The fee for a transporter plate is one-half the fee set in G.S. 20-87(5) for a passenger motor vehicle of not more than 15 passengers.

(b1) Number of Plates. – The total number of dealer transporter and or dealer plates issued to a dealer may not exceed the total number of dealer plates that can be issued to the dealer under G.S. 20-79(b). ~~This restriction does not apply to a person who is not a dealer.~~ Transporter plates issued to a dealer shall bear the words "Dealer-Transporter. This subsection shall not apply to a person who is not a dealer."

(b2) Sanctions. – The following sanctions apply when a motor vehicle displaying a "Dealer-Transporter" or "Transporter" license plate is driven in violation of the restrictions on the use of the plate or in violation of the requirements for financial responsibility in subsections (d) or (e) of this section:

(1) The individual driving the motor vehicle is responsible for an infraction and is subject to a penalty of ~~fifty dollars (\$50.00).~~ one hundred dollars (\$100.00).

(2) ~~The dealer- person, dealer or business~~ to whom the plate is issued is subject to a civil penalty imposed by the Division of ~~two hundred dollars (\$200.00).~~ two hundred and fifty dollars (\$250.00) per occurrence.

(3) The Division ~~may~~ shall rescind all dealer license plates or transporter plates issued to the ~~dealer- dealer or business~~ whose plate was displayed on the motor vehicle.

(4) Any person or business who sells, rents, leases or otherwise provides a transporter plate to another person or business in exchange for money or any other thing of value shall be guilty of a Class I felony. Any conviction for violation of this subsection shall be considered a felony involving moral turpitude for purposes of G.S. 20-294.

A penalty imposed under subdivision (1) of this subsection is payable to the county where the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision (2) of this subsection shall be credited to the Highway Fund as nontax revenue. A law enforcement officer having probable cause to believe that a transporter plate is being used in violation of this section may seize the plate.

(c) Form, Duration, and Transfer. – ~~A transporter plate is a type of commercial license plate. A transporter plate issued to a dealer is issued on a fiscal year basis. A transporter plate issued to a person who is not a dealer is issued on a calendar year basis. A transporter license plate is subject to G.S. 20-63, except for the requirement that the plate display the registration number of a motor vehicle and the requirement that the plate be a "First in Flight" plate. A transporter license plate shall have a distinguishing symbol identifying the plate as a transporter license plate. The symbol may vary depending upon the classification of transporter license plate issued. A transporter license plate is issued for a period of one year. The Division shall vary the expiration dates of transporter registration renewals so that an approximately equal number expires at the end of each month, quarter, or other period consisting of one or more months. When the Division issues a transporter plate, it may issue a registration that expires at~~

1 the end of any monthly interval. During the year for which it is issued, a ~~person~~ business or
2 dealer may transfer a transporter plate from one vehicle to another as long as the vehicle is
3 driven only for a purpose authorized by subsection (a) of this section. The Division ~~may~~ shall
4 rescind a transporter plate that is displayed on a motor vehicle driven for a purpose that is not
5 authorized by subsection (a) of this section.

6 (d) A county may obtain one transporter plate, without paying a fee, by filing an
7 application with the Division on a form to be provided by the Division. A transporter plate
8 issued pursuant to this subsection may only be used to transport motor vehicles as part of a
9 program established by the county to receive donated motor vehicles and make them available
10 to low-income individuals.

11 If a motor vehicle is operated on the highways of this State using a transporter plate
12 authorized by this section, all of the following requirements shall be met:

13 (1) The driver of the vehicle shall have in his or her possession the certificate of
14 title for the motor vehicle, which has been properly reassigned by the
15 previous owner to the county or the affected donor program.

16 (2) The vehicle shall be covered by liability insurance that meets the
17 requirements of Article 9A of this Chapter.

18 The form and duration of the transporter plate shall be as provided in subsection (c) of this
19 section.

20 (e) Any vehicle being operated on the highways of this state using a transporter plate
21 shall be covered by liability insurance that meets the requirement of Article 9A of this
22 Chapter."

23 **SECTION 6.** G.S. 20-79.7(a) reads as rewritten:

24 **"§ 20-79.7. Fees for special registration plates and distribution of the fees.**

25 (a) Fees. – Upon request, the Division shall provide and issue free of charge ~~one~~
26 ~~registration plate~~ a single Legion of Valor, 100% Disabled Veteran, and Ex-Prisoner of War
27 plates ~~registration plate~~ to a recipient of a Legion of Valor award, a 100% disabled veteran, and
28 an ex-prisoner of war. All other special registration ~~plates, including additional Legion of~~
29 ~~Valor, 100% Disabled Veteran, and Ex-Prisoner of War plates,~~ plates are subject to the regular
30 motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the
31 following amount:

32 ..."

33 **SECTION 7 .** G.S. 20-85.1 reads as rewritten:

34 **"§ 20-85.1. Registration by mail; one-day title service; fees.**

35 (a) The owner of a vehicle registered in North Carolina may renew that vehicle
36 registration by mail. ~~A postage and handling fee of one dollar (\$1.00) per vehicle to be~~
37 ~~registered shall be charged for this service.~~

38 (b) The Commissioner and the employees of the Division designated by the
39 Commissioner may prepare and deliver upon request a certificate of title, charging a fee of
40 seventy-five dollars (\$75.00) for one-day title service, in lieu of the title fee required by G.S.
41 20-85(a). The fee for one-day title service must be paid by cash or by certified check. This fee
42 shall be credited to the Highway Trust Fund.

43 (c) ~~The fee collected under subsection (a) shall be credited to the Highway Fund. The~~
44 ~~fee collected under subsection (b) shall be credited to the Highway Trust Fund."~~

45 **SECTION 8.** G.S. 20-88.02 is repealed.

46 *Current text of G.S. 20-88.02:*

1 **§ 20-88.02. Registration of logging vehicles.**

2 Upon receipt of an application on a form prescribed by it, the Division shall register trucks, tractor trucks,
3 trailers, and semitrailers used exclusively in connection with logging operations in a separate category. For the
4 purposes of this section, "logging" shall mean the harvesting of timber and transportation from a forested site to
5 places of sale.

6 Fees for the registration of vehicles under this section shall be the same as those ordinarily charged for the
7 type of vehicle being registered.

8 **SECTION 9.** G.S. 20-130.1 reads as rewritten:

9 **"§ 20-130.1. Use of red or blue lights on vehicles prohibited; exceptions.**

10 (a) It is unlawful for any person to install or activate or operate a red light in or on any
11 vehicle in this State. As used in this subsection, unless the context requires otherwise, "red
12 light" means an operable red light not sealed in the manufacturer's original package which: (i)
13 is designed for use by an emergency vehicle or is similar in appearance to a red light designed
14 for use by an emergency vehicle; and (ii) can be operated by use of the vehicle's battery,
15 vehicle's electrical system, or a dry cell battery. As used in this subsection, the term "red light"
16 shall also mean any forward facing red light installed on a vehicle after initial manufacture of
17 the vehicle.

18 (b) The provisions of subsection (a) of this section do not apply to the following:

- 19 (1) A police car;
- 20 (2) A highway patrol car;
- 21 (3) A vehicle owned by the Wildlife Resources Commission and operated
22 exclusively for law-enforcement purposes;
- 23 (4) An ambulance;
- 24 (5) A vehicle used by an organ procurement organization or agency for the
25 recovery and transportation of blood, human tissues, or organs for
26 transplantation;
- 27 (6) A fire-fighting vehicle;
- 28 (7) A school bus;
- 29 (8) A vehicle operated by any member of a municipal or rural fire department in
30 the performance of his duties, regardless of whether members of that fire
31 department are paid or voluntary;
- 32 (9) A vehicle of a voluntary lifesaving organization (including the private
33 vehicles of the members of such an organization) that has been officially
34 approved by the local police authorities and which is manned or operated by
35 members of that organization while answering an official call;
- 36 (10) A vehicle operated by medical doctors or anesthetists in emergencies;
- 37 (11) A motor vehicle used in law enforcement by the sheriff, or any salaried rural
38 policeman in any county, regardless of whether or not the county owns the
39 vehicle;
- 40 (11a) A vehicle operated by the State Fire Marshal or his representatives in the
41 performance of their duties, whether or not the State owns the vehicle;
- 42 (12) A vehicle operated by any county fire marshal, assistant fire marshal, or
43 emergency management coordinator in the performance of his duties,
44 regardless of whether or not the county owns the vehicle;
- 45 (13) A light required by the Federal Highway Administration;
- 46 (14) A vehicle operated by a transplant coordinator who is an employee of an
47 organ procurement organization or agency when the transplant coordinator is

1 responding to a call to recover or transport human tissues or organs for
2 transplantation;

3 (15) A vehicle operated by an emergency medical service as an emergency
4 support vehicle; and

5 (16) A State emergency management vehicle.

6 (17) An Incident Management Assistance Patrol vehicle operated by the
7 Department of Transportation.

8 (c) It is unlawful for any person to possess a blue light or to install, activate, or operate
9 a blue light in or on any vehicle in this State, except for a publicly owned vehicle used for law
10 enforcement purposes or any other vehicle when used by law enforcement officers in the
11 performance of their official duties. As used in this subsection, unless the context requires
12 otherwise, "blue light" means any forward facing blue light installed on a vehicle after initial
13 manufacture of the vehicle; or an operable blue light which:

14 (1) Is not (i) being installed on, held in inventory for the purpose of being
15 installed on, or held in inventory for the purpose of sale for installation on a
16 vehicle on which it may be lawfully operated or (ii) installed on a vehicle
17 which is used solely for the purpose of demonstrating the blue light for sale
18 to law enforcement personnel;

19 (1a) Is designed for use by an emergency vehicle, or is similar in appearance to a
20 blue light designed for use by an emergency vehicle; and

21 (2) Can be operated by use of the vehicle's battery, the vehicle's electrical
22 system, or a dry cell battery.

23 (c1) The provisions of subsection (c) of this section do not apply to the possession and
24 installation of an inoperable blue light on a vehicle that is inspected by and registered with the
25 Department of Motor Vehicles as a specially constructed vehicle and that is used primarily for
26 participation in shows, exhibitions, parades, or holiday/weekend activities, and not for general
27 daily transportation. For purposes of this subsection, "inoperable blue light" means a
28 blue-colored lamp housing or cover that does not contain a lamp or other mechanism having
29 the ability to produce or emit illumination.

30 (d) Repealed by Session Laws 1999-249, s. 1.

31 (e) Violation of subsection (a) or (c) of this section is a Class 1 misdemeanor."

32 **SECTION 10.** G.S. 20-294 reads as rewritten:

33 **"§ 20-294. Grounds for denying, suspending or revoking licenses.**

34 The Division may deny, suspend, or revoke a license issued under this Article for any one
35 or more of the following grounds:

36 ...

37 (2) Willfully and intentionally failing to comply with this Article, Article 15 of
38 this Chapter, or G.S. 20-52.1, 20-75, 20-79.1, 20-79.2, 20-108, 20-109, or a
39 rule adopted by the Division under this Article.

40 ..."

41 **SECTION 11.** This act becomes effective December 1, 2010, and applies to
42 offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

U

D

BILL DRAFT 2009-RWz-29 [v.7] (04/27)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
5/10/2010 2:03:23 PM

Short Title: DOT Powers and Duties Changes.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE
POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-11 is repealed.

current text of G.S. 136-11:

§ 136-11. Annual reports to Governor.

The Department of Transportation shall make to the Department of Administration, or to the Governor, a full report of its finances and the physical condition of buildings, depots and properties under its supervision and control, on the first day of July of each year, and at such other times as the Governor or Directors of the Budget may call for the same.

SECTION 2. G.S. 136-16.10 reads as rewritten:

"§ 136-16.10. Allocations by Department Controller-Chief Financial Officer to eliminate overdrafts.

The Controller-Chief Financial Officer of the Department of Transportation shall allocate at the beginning of each fiscal year from the various appropriations made to the Department of Transportation for State Construction, State Funds to Match Federal Highway Aid, State Maintenance, and Ferry Operations, sufficient funds to eliminate all overdrafts on State maintenance and construction projects, and these allocations shall not be diverted to other purposes."

SECTION 3. G. S. 136-17.2A(d) reads as rewritten:

"(d) In each fiscal year, the Department shall, as nearly as practicable, expend in a distribution region an amount equal to that region's tentative percentage share of the funds that are subject to this section and are available for that fiscal year. In any consecutive seven-year Transportation Improvement Plan period, the amount expended in a distribution region must be between ninety percent (90%) and one hundred ten percent (110%) of the sum of the amounts established under this subsection as the target amounts to be expended in the region for those seven years that period."

SECTION 4. G.S. 136-18(1) reads as rewritten:

"§ 136-18. Powers of Department of Transportation.

1 The said Department of Transportation is vested with the following powers:

- 2 (1) The authority and general supervision over all matters relating to the
3 construction—construction, maintenance, and design of the State highways,
4 transportation projects, letting of contracts therefor, and the selection of
5 materials to be used in the construction of State highways—transportation
6 projects under the authority of this Chapter.

7 ..."

8 **SECTION 5.** G.S. 136-18(12b) reads as rewritten:

9 **"§ 136-18. Powers of Department of Transportation.**

10 The said Department of Transportation is vested with the following powers:

11 ...

- 12 (12b) To issue "GARVEE" bonds (Grant Anticipation Revenue Vehicles) or other
13 eligible debt-financing instruments to finance federal-aid highway projects
14 using federal funds to pay a portion of principal, interest, and related bond
15 issuance costs, as authorized by 23 U.S.C. § 122, as amended (the National
16 Highway System Designation Act of 1995, Pub. L. 104-59). These bonds
17 shall be issued by the State Treasurer on behalf of the Department and shall
18 be issued pursuant to an order adopted by the Council of State under
19 G.S. 159-88. The State Treasurer shall develop and adopt appropriate debt
20 instruments, consistent with the terms of the State and Local Government
21 Revenue Bond Act, Article 5 of Chapter 159 of the General Statutes, for use
22 under this subdivision. Prior to issuance of any "GARVEE" or other eligible
23 debt instrument using federal funds to pay a portion of principal, interest,
24 and related bond issuance costs, the State Treasurer shall determine (i) that
25 the total outstanding principal of such debt does not exceed the total amount
26 of federal transportation funds authorized to the State in the prior federal
27 fiscal year; or (ii) that the maximum annual principal and interest of such
28 debt does not exceed fifteen percent (15%) of the expected average annual
29 federal revenue shown for the seven-year period in the most recently
30 adopted Transportation Improvement Program. Notes issued under the
31 provisions of this subdivision may not be deemed to constitute a debt or
32 liability of the State or of any political subdivision thereof, or a pledge of the
33 full faith and credit of the State or of any political subdivision thereof, but
34 shall be payable solely from the funds and revenues pledged therefor. All the
35 notes shall contain on their face a statement to the effect that the State of
36 North Carolina shall not be obligated to pay the principal or the interest on
37 the notes, except from the federal transportation fund revenues as shall be
38 provided by the documents governing the revenue note issuance, and that
39 neither the faith and credit nor the taxing power of the State of North
40 Carolina or of any of its political subdivisions is pledged to the payment of
41 the principal or interest on the notes. The issuance of notes under this Part
42 shall not directly or indirectly or contingently obligate the State or any of its
43 political subdivisions to levy or to pledge any form of taxation whatever or
44 to make any appropriation for their payment.

45 ..."

46 **SECTION 6.** G.S. 136-18(38) reads as rewritten:

1 **"§ 136-18. Powers of Department of Transportation.**

2 The said Department of Transportation is vested with the following powers:

3 ...

- 4 (38) To enter into agreements with municipalities, counties, governmental
5 entities, or nonprofit corporations to receive funds for the ~~purpose~~ purposes
6 of advancing right-of-way acquisition or the construction schedule of a
7 project identified in the Transportation Improvement Program. If these funds
8 are subject to repayment by the Department, prior to receipt of funds,
9 reimbursement of all funds received by the Department shall be shown in the
10 existing Transportation Improvement Program and shall be reimbursed
11 within ~~seven years of receipt~~ the period of the existing Transportation
12 Improvement Program.

13 ..."

14 **SECTION 7.** G.S. 136-18(39) reads as rewritten:

15 **"§ 136-18. Powers of Department of Transportation.**

16 The said Department of Transportation is vested with the following powers:

17 ...

- 18 (39) To enter into partnership agreements with ~~the North Carolina Turnpike~~
19 ~~Authority,~~ private entities, and authorized political subdivisions to finance,
20 by tolls, contracts, and other financing methods authorized by law, the cost
21 of acquiring, constructing, equipping, maintaining, and operating
22 transportation infrastructure in this State, and to plan, design, develop,
23 acquire, construct, equip, maintain, and operate transportation infrastructure
24 in this State. An agreement entered into under this subdivision requires the
25 concurrence of the Board of Transportation. The Department shall report to
26 the Chairs of the Joint Legislative Transportation Oversight Committee, the
27 Chairs of the House of Representatives Appropriations Subcommittee on
28 Transportation, and the Chairs of the Senate Appropriations Committee on
29 the Department of Transportation, at the same time it notifies the Board of
30 Transportation of any proposed agreement under this subdivision. Any
31 contracts for construction of highways, roads, streets, and bridges which are
32 awarded pursuant to an agreement entered into under this section shall
33 comply with the competitive bidding requirements of Article 2 of this
34 Chapter.

35 ..."

36 **SECTION 8.** G.S. 136-18(40) reads as rewritten:

37 **"§ 136-18. Powers of Department of Transportation.**

38 The said Department of Transportation is vested with the following powers:

39 ...

- 40 (40) To expand public access to coastal waters in its road project planning and
41 construction programs. The Department shall work with the Wildlife
42 Resources Commission, other State agencies, and other government entities
43 to address public access to coastal waters along the roadways, bridges, and
44 other transportation infrastructure owned or maintained by the Department.
45 The Department shall adhere to all applicable design standards and
46 guidelines in implementation of this enhanced access. ~~The Department shall~~

1 ~~report on its progress in expanding public access to coastal waters to the~~
2 ~~Joint Legislative Commission on Seafood and Aquaculture and to the Joint~~
3 ~~Legislative Transportation Oversight Commission no later than March 1 of~~
4 ~~each year.~~

5 ..."

6 **SECTION 9.** G.S. 136-28.4 reads as rewritten:

7 **"§ 136-28.4. State policy concerning participation by disadvantaged minority-owned and**
8 **women-owned businesses in highway transportation contracts.**

9 (a) It is the policy of this State, based on a compelling governmental interest, to
10 encourage and promote participation by disadvantaged minority-owned and women-owned
11 businesses in contracts let by the Department pursuant to this Chapter for the planning, design,
12 preconstruction, construction, alteration, or maintenance of State ~~highways, roads, streets, or~~
13 ~~bridges~~ transportation infrastructure and in the procurement of materials for these projects. All
14 State agencies, institutions, and political subdivisions shall cooperate with the Department of
15 Transportation and among themselves in all efforts to conduct outreach and to encourage and
16 promote the use of disadvantaged minority-owned and women-owned businesses in these
17 contracts.

18 (b) At least every five years, the Department shall conduct a study on the availability
19 and utilization of disadvantaged minority-owned and women-owned business enterprises and
20 examine relevant evidence of the effects of race-based or gender-based discrimination upon the
21 utilization of such business enterprises in contracts for planning, design, preconstruction,
22 construction, alteration, or maintenance of State ~~highways, roads, streets, or bridges~~
23 transportation infrastructure and in the procurement of materials for these projects. Should the
24 study show a strong basis in evidence of ongoing effects of past or present discrimination that
25 prevents or limits disadvantaged minority-owned and women-owned businesses from
26 participating in the above contracts at a level which would have existed absent such
27 discrimination, such evidence shall constitute a basis for the State's continued compelling
28 governmental interest in remedying such race and gender discrimination in ~~highway~~
29 transportation contracting. Under such circumstances, the Department shall, in conformity with
30 State and federal law, adopt by rule and contract provisions a specific program to remedy such
31 discrimination. This specific program shall, to the extent reasonably practicable, address each
32 barrier identified in such study that adversely affects contract participation by disadvantaged
33 minority-owned and women-owned businesses.

34 (b1) Based upon the findings of the Department's ~~Second Generation Disparity Study~~
35 ~~completed in 2004, 2009 study entitled "Measuring Business Opportunity: A Disparity Study of~~
36 ~~NCDOT's State and Federal Programs"~~ hereinafter referred to as "Study", the program design
37 shall, to the extent reasonably practicable, incorporate narrowly tailored remedies identified in
38 the Study, and the Department shall implement a comprehensive antidiscrimination
39 enforcement policy. As appropriate, the program design shall be modified by rules adopted by
40 the Department that are consistent with findings made in the Study and in subsequent studies
41 conducted in accordance with subsection (b) of this section. As part of this program, the
42 Department shall review its budget and establish ~~annual~~ aspirational goals every three years,
43 not mandatory goals, in percentages, for the overall participation in contracts by disadvantaged
44 minority-owned and women-owned businesses. These ~~annual~~ aspirational goals for
45 disadvantaged minority-owned and women-owned businesses shall be established consistent
46 with ~~federal methodology specified in the Study, methodology,~~ and they shall not be applied

1 rigidly on specific contracts or projects. Instead, the Department shall establish
2 contract-specific goals or project-specific goals for the participation of such firms in a manner
3 consistent with availability of disadvantaged minority-owned and women-owned businesses, as
4 appropriately defined by its most recent Study, for each disadvantaged minority-owned and
5 women-owned business category that has demonstrated significant disparity in contract
6 utilization. Nothing in this section shall authorize the use of quotas. Any program implemented
7 as a result of the Study conducted in accordance with this section shall be narrowly tailored to
8 eliminate the effects of historical and continuing discrimination and its impacts on such
9 disadvantaged minority-owned and women-owned businesses without any undue burden on
10 other contractors. The Department shall give equal opportunity for contracts it lets without
11 regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as
12 defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.

13 (c) The following definitions apply in this section:

14 (1) "Disadvantaged ~~business~~Business" has the same meaning as "disadvantaged
15 business enterprise" in 49 C.F.R. § 26.5 Subpart A or any subsequently
16 promulgated replacement regulation.

17 (2) "Minority" includes only those racial or ethnicity classifications identified by
18 a study conducted in accordance with this section that have been subjected to
19 discrimination in the relevant marketplace and that have been adversely
20 affected in their ability to obtain contracts with the Department.

21 (3) "Women" means a non-minority person born of the female gender.

22 (d) The Department shall report ~~semiannually~~annually to the Joint Legislative
23 Transportation Oversight Committee on the utilization of disadvantaged minority-owned
24 businesses and women-owned businesses and any program adopted to promote contracting
25 opportunities for those businesses. Following each study of availability and utilization, the
26 Department shall report to the Joint Legislative Transportation Oversight Committee on the
27 results of the study for the purpose of determining whether the provisions of this section should
28 continue in force and effect.

29 (e) This section expires August 31, ~~2010~~ 2014."

30 **SECTION 10.** G.S. 136-66.3 reads as rewritten:

31 **"§ 136-66.3. Local government participation in improvements to the State transportation**
32 **system.**

33 (a) Municipal Participation Authorized. – A municipality may, but is not required to,
34 participate in the right-of-way and construction cost of a State transportation improvement
35 approved by the Board of Transportation under G.S. 143B-350(f)(4) that is located in the
36 municipality or its extraterritorial jurisdiction.

37 (b) Process for Initiating Participation. – A municipality interested in participating in
38 the funding of a State highway improvement project may submit a proposal to the Department
39 of Transportation. The Department and the municipality shall include their respective
40 responsibilities for a proposed municipal participation project in any agreement reached
41 concerning participation.

42 (c) Type of Participation Authorized. – A municipality is authorized and empowered to
43 acquire land by dedication and acceptance, purchase, or eminent domain, and make
44 improvements to portions of the State transportation system lying within or outside the
45 municipal corporate limits utilizing local funds that have been authorized for that purpose. All

1 improvements to State transportation systems shall be done in accordance with the
2 specifications and requirements of the Department of Transportation.

3 ~~(e1) No TIP Disadvantage for Participation.—If a county or municipality participates in~~
4 ~~a State transportation system improvement project, as authorized by this section, or by~~
5 ~~G.S. 136-51 and G.S. 136-98, the Department shall ensure that the local government's~~
6 ~~participation does not cause any disadvantage to any other project in the Transportation~~
7 ~~Improvement Program under G.S. 143B-350(f)(4).~~

8 (c2) Distribution of State Funds Made Available by County or Municipal Participation. –
9 Any State or federal funds allocated to a project that are made available by county or municipal
10 participation in a project contained in the Transportation Improvement Program under
11 G.S. 143B-350(f)(4) shall remain in the same funding region that the funding was allocated to
12 under the distribution formula contained in G.S. 136-17.2A.

13 ~~(e3) Limitation on Agreements.—The Department shall not enter into any agreement~~
14 ~~with a county or municipality to provide additional total funding for highway construction in~~
15 ~~the county or municipality in exchange for county or municipal participation in any project~~
16 ~~contained in the Transportation Improvement Program under G.S. 143B-350(f)(4).~~

17 (d) Authorization to Participate in Development-Related Improvements. – When in the
18 review and approval by a local government of plans for the development of property abutting a
19 State transportation system it is determined by the municipality that improvements to the State
20 highway system are necessary to provide for the safe and orderly movement of traffic, the local
21 government is authorized to construct, or have constructed, said improvements to the State
22 transportation system in vicinity of the development. For purposes of this section,
23 improvements include but are not limited to additional travel lanes, turn lanes, curb and gutter,
24 drainage facilities, and other transportation system improvements. All improvements to a State
25 transportation system shall be constructed in accordance with the specifications and
26 requirements of the Department of Transportation and be approved by the Department of
27 Transportation.

28 (e) Authorization to Participate in Project Additions. – Pursuant to an agreement with
29 the Department of Transportation, a county or municipality may reimburse the Department of
30 Transportation for the cost of all improvements, including additional right-of-way, for a street,
31 highway improvement projects, or other transportation system improvements approved by the
32 Board of Transportation under G.S. 143B-350(f)(4), that are in addition to those improvements
33 that the Department of Transportation would normally include in the project.

34 (e1) Reimbursement Procedure. – Upon request of the county or municipality, the
35 Department of Transportation shall allow the local government a period of not less than three
36 years from the date construction of the project is initiated to reimburse the Department their
37 agreed upon share of the costs necessary for the project. The Department of Transportation
38 shall not charge a local government any interest during the initial three years.

39 (f) Report to General Assembly. – The Department shall report in writing, on a
40 monthly basis, to the Joint Legislative Commission on Governmental Operations on all
41 agreements entered into between counties, municipalities and the Department of
42 Transportation. The report shall state in summary form the contents of such agreements.

43 (g) Local Government Acquisition of Rights-of-Way. – In the acquisition of
44 rights-of-way for any State street, highway, or other transportation project, the county or
45 municipality shall be vested with the same authority to acquire such rights-of-way as is granted
46 to the Department of Transportation in this Chapter. In the acquisition of such rights-of-way,

counties and municipalities may use the procedures provided in Article 9 of this Chapter, and wherever the words "Department of Transportation" appear in Article 9 they shall be deemed to include "county," "municipality" or local governing body, and wherever the words "Administrator," "Administrator of Highways," "Administrator of the Department of Transportation," or "Chairman of the Department of Transportation" appear in Article 9 they shall be deemed to include "county or municipal clerk". It is the intention of this subsection that the powers herein granted to municipalities for the purpose of acquiring rights-of-way shall be in addition to and supplementary to those powers granted in any local act or in any other general statute, and in any case in which the provisions of this subsection or Article 9 of this Chapter are in conflict with the provisions of any local act or any other provision of any general statute, then the governing body of the county or municipality may in its discretion proceed in accordance with the provisions of such local act or other general statute, or, as an alternative method of procedure, in accordance with the provisions of this subsection and Article 9 of this Chapter.

(h) Department Authority Concerning Rights-of-Way. – In the absence of an agreement, the Department of Transportation shall retain authority to pay the full cost of acquiring rights-of-way where the proposed project is deemed important to a coordinated State transportation system.

(i) Changes to Local Government Participation Agreement. – Either the local government or the Department of Transportation may at any time propose changes in the agreement setting forth their respective responsibilities by giving notice to the other party, but no change shall be effective until it is adopted by both the municipal governing body and the Department of Transportation.

(j) Local Governments Party to Rights-of-Way Proceeding. – Any municipality that agrees to contribute any part of the cost of acquiring rights-of-way for any State transportation system shall be a proper party in any proceeding in court relating to the acquisition of such rights-of-way.

(k) Repealed by Session Laws 2008-180, s. 6, effective August 4, 2008."

SECTION 11. G.S. 136-89.189 reads as rewritten:

"§ 136-89.189. Turnpike Authority revenue bonds.

The Authority shall be a municipality for purposes of Article 5 of Chapter 159 of the General Statutes, the State and Local Government Revenue Bond Act, and may issue revenue bonds pursuant to that Act to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds. In connection with the issuance of revenue bonds, the Authority shall have all powers of a municipality under the State and Local Government Revenue Bond Act, and revenue bonds issued by the Authority shall be entitled to the protection of all provisions of the State and Local Government Revenue Bond Act.

Except as provided in this section, the provisions of Chapter 159 of the General Statutes, the Local Government Finance Act, apply to revenue bonds issued by the Turnpike Authority.

(1) The term of a lease between the Turnpike Authority and the Department executed prior to July 27, 2009 for all or any part of a Turnpike Project may exceed 40 years, as agreed by the Authority and the Department.

(2) The maturity date of a refunding bond may extend to the earlier of the following:

a. Forty years from the date of issuance of the refunding bond.

- b. The date the Turnpike Authority determines is the maturity date required for the Turnpike Project funded with the refunding bonds to generate sufficient revenues to retire the refunding bonds and any other outstanding indebtedness issued for that Project. The Authority's determination of the appropriate maturity date is conclusive and binding. In making its determination, the Authority may take into account appropriate financing terms and conventions."

SECTION 12. (section deleted from draft)

SECTION 13. G.S. 143B-348 reads as rewritten:

"§ 143B-348. Department of Transportation – head; rules, regulations, etc., of Board of Transportation.

The Secretary of Transportation shall be the head of the Department of Transportation. He shall carry out the day-to-day operations of the Department and shall be responsible for carrying out the policies, programs, priorities, and projects approved by the Board of Transportation. He shall be responsible for all other transportation matters assigned to the Department of Transportation, except those reserved to the Board of Transportation by statute. Except as otherwise provided for by statute, the Secretary shall have all the powers and duties as provided for in Article 1 of Chapter 143B including the responsibility for all management functions for the Department of Transportation. The Secretary shall be vested with authority to adopt design criteria, construction specifications, and standards as required for the Department of Transportation to construct and maintain highways, bridges, and ferries. The Secretary or the Secretary's designee shall be vested with authority to promulgate rules, regulations, and ordinances concerning all transportation functions assigned to the Department.

All rules, regulations, ordinances, specifications, standards, and criteria adopted by the Board of Transportation and in effect on July 1, 1977, shall continue in effect until changed by the Board of Transportation or the Secretary of Transportation. The Secretary shall have complete authority to modify any of these matters existing on July 1, 1977, except as specifically restricted by the Board. Whenever any such criteria, rule, regulation, ordinance, specification, or standards are continued in effect under this section and the words "Board of Transportation" are used, the words shall mean the "Department of Transportation" unless the context makes such meaning inapplicable. All actions pending in court by or against the Board of Transportation may continue to be prosecuted in that name without the necessity of formally amending the name to the Department of Transportation."

SECTION 14. G.S. 143B-350(f)(4) reads as rewritten:

"(f) Duties of the Board. – The Board of Transportation has the following duties and powers:

...

- (4) To approve a schedule of all major transportation improvement projects and their anticipated cost ~~for a period of seven years into the future.~~ This schedule is designated the Transportation Improvement Program; it must be published and copies must be available for distribution. The document that contains the Transportation Improvement Program, or a separate document that is published at the same time as the Transportation Improvement Program, must include the anticipated funding sources for the improvement projects included in the Program, a list of any changes made from the previous year's Program, and the reasons for the changes.

1 ..."

2 **SECTION 15.** G.S. 143B-350(f)(13) is repealed:

3 *current text of G.S. 143B-350(f)(13):*

4 "(f) *Duties of the Board. – The Board of Transportation has the following duties and powers:*

5 ...

6 (13) *To promulgate rules, regulations, and ordinances concerning all transportation functions*
7 *assigned to the Department."*

8 **SECTION 16.** G.S. 159-81(1) reads as rewritten:

9 **"§ 159-81. Definitions.**

10 The words and phrases defined in this section shall have the meanings indicated when used
11 in this Article:

12 (1) "Municipality" means a county, city, town, incorporated village, sanitary
13 district, metropolitan sewerage district, metropolitan water district, county
14 water and sewer district, water and sewer authority, hospital authority,
15 hospital district, parking authority, special airport district, special district
16 created under Article 43 of Chapter 105 of the General Statutes, regional
17 public transportation authority, regional transportation authority, regional
18 natural gas district, regional sports authority, airport authority, joint agency
19 created pursuant to Part 1 of Article 20 of Chapter 160A of the General
20 Statutes, a joint agency authorized by agreement between two cities to
21 operate an airport pursuant to G.S. 63-56, and the North Carolina Turnpike
22 Authority ~~created pursuant to described in~~ Article 6H of Chapter 136 of the
23 General ~~Statutes,—Statutes and transferred to the Department of~~
24 ~~Transportation pursuant to G.S. 136-89.182(b),~~ but not any other forms of
25 State or local government.

26 ..."

27 **SECTION 17.** This act is effective when it becomes law.
28

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

U

D

BILL DRAFT 2009-RWz-30 [v.4] (04/27)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
5/11/2010 1:58:33 PM

Short Title: Turnpike Authority Toll Enforcement Changes.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING
COLLECTION AND ENFORCEMENT OF TOLLS BY THE NORTH CAROLINA
TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-89.211 reads are rewritten:

"§ 136-89.211. Tolls for use of Turnpike project.

In exercising its authority under G.S. 136-89.183 to set tolls for the use of a Turnpike project, the Authority may not do any of the following:

- (1) Set open road tolls that vary for the same class of motor vehicle depending on the method by which the Authority identifies a motor vehicle that drives on the Turnpike project. This does not preclude the Authority from allowing a discount ~~of up to thirty five percent (35%) of the amount of a toll~~ for a motor vehicle equipped with an electronic toll collection ~~transponder~~ transponder or a motor vehicle that has pre-paid its toll.
- (2) Exempt a motor vehicle that is not a law enforcement vehicle, an emergency fire or rescue vehicle, or an emergency medical services vehicle from the requirement of paying a toll for the use of a Turnpike project."

SECTION 2. G.S. 136-89.214(a) reads as rewritten:

"(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling system and a toll for traveling on the project is not paid ~~within 15 days after the travel occurs,~~ prior to travel or at the time of travel, the Authority must send a bill by first-class mail to the registered owner of the motor vehicle for the amount of the unpaid toll. The Authority must send the bill within 90 days after the travel occurs. If a bill is not sent within the required time, the Authority waives collection of the toll. The Authority must establish a billing period for unpaid open road tolls that is no shorter than 15 days. A bill for a billing period must include all unpaid tolls incurred by the same person during the billing period."

SECTION 3. G.S. 136-89.215 reads as rewritten:

"§ 136-89.215. Required action upon receiving bill for open road toll and processing fee for unpaid toll.

1 (a) Action Required. – A person who receives a bill for an unpaid open road toll must
2 take one of the following actions within 30 days ~~after receiving the bill of the date of the~~
3 ~~invoice sent by the Authority:~~

4 (1) Pay the bill.

5 (2) Send a written request to the Authority for a review of the toll.

6 (b) Fee. – If a person does not take one of the actions required under subsection (a) of
7 this section within the required time, the Authority may add a processing fee to the amount the
8 person owes. The processing fee may not exceed six dollars (\$6.00). A person may not be
9 charged more than forty-eight dollars (\$48.00) in processing fees in ~~a calendar year in a 12-~~
10 ~~month period.~~

11 The Authority must set the processing fee at an amount that does not exceed the costs of
12 identifying the owner of a motor vehicle that is subject to an unpaid toll and billing the owner
13 for the unpaid toll. The fee is a receipt of the Authority and must be applied to these costs."

14 **SECTION 4.** G.S. 136-89.216 reads as rewritten:

15 **"§ 136-89.216. Civil penalty for failure to pay open road toll.**

16 (a) Penalty. – A person who receives ~~one two~~ or more bills for unpaid open road tolls
17 ~~during the first or second six-month period in a year~~ and who has not paid the amount due on
18 those bills within 30 days ~~after the end of the six-month period~~ is subject to a civil penalty of
19 twenty-five dollars (\$25.00). ~~The period from January 1 through June 30 of a year is the first~~
20 ~~six-month period in a year, and the period from July 1 through December 31 is the second~~
21 ~~six-month period in a year.~~ Only one penalty may be assessed ~~for in~~ a six-month period.

22 (b) Payment. – The Authority must send a notice by first-class mail to a person who is
23 assessed a civil penalty under this section. A person who is assessed a civil penalty must pay
24 the unpaid toll for which the civil penalty was imposed, the amount of any processing fee due,
25 and the civil penalty within 30 days ~~after receiving the notice of the date of the notice sent by~~
26 ~~the Authority.~~

27 (c) Penalty Proceeds. – A civil penalty imposed under this section is payable to the
28 ~~Authority or, if collected when a vehicle registration is renewed, to the Division of Motor~~
29 ~~Vehicles of the Department of Transportation.~~ Authority. The clear proceeds of a civil penalty
30 imposed under this section must be credited to the Civil Penalty and Forfeiture Fund
31 established in G.S. 115C-457.1. The guidelines used by the Office of State Budget and
32 Management to determine an agency's actual costs of collecting a civil penalty and the clear
33 proceeds of the civil penalty apply to the determination of the clear proceeds of a civil penalty
34 imposed under this section."

35 **SECTION 5.** G.S. 136-89.217 reads as rewritten:

36 **"§ 136-89.217. Vehicle registration renewal blocked for unpaid open road toll.**

37 (a) Registration Block. – Failure of a person to pay an open road toll billed to the
38 person under G.S. 136-89.214, any processing fee added under G.S. 136-89.215, and any civil
39 penalty imposed under G.S. 136-89.216 is grounds under G.S. 20-54 to withhold the
40 registration renewal of a motor vehicle registered in that person's name. The Authority must
41 notify the Commissioner of Motor Vehicles of a person who owes a toll, a processing fee, or a
42 civil penalty. When notified, the Commissioner of Motor Vehicles must withhold the
43 registration renewal of any motor vehicle registered in that person's name.

44 ~~(b) — Collection by DMV. — A person whose motor vehicle registration renewal is~~
45 ~~blocked under this section may pay to the Division of Motor Vehicles of the Department of~~
46 ~~Transportation the amount owed for unpaid tolls, processing fees, and civil penalties due under~~

1 ~~this Part when renewing the vehicle registration. The Division must remit to the Authority the~~
2 ~~amount of tolls, fees, and civil penalties collected. The Division's costs of collecting tolls, fees,~~
3 ~~and civil penalties are considered a necessary expense of the operation of the Authority, and the~~
4 ~~Authority must reimburse the Division for these costs."~~

5 **SECTION 6.** G.S. 136-89.218 reads as rewritten:

6 **"§ 136-89.218. Procedures for contesting liability for unpaid open road toll.**

7 (a) Informal Review. – A person who receives a bill for an unpaid open road toll and
8 who disputes liability for the toll may contest the toll by sending to the Authority a request for
9 review of the toll. The person may include a sworn affidavit described in G.S. 136-89.212 that
10 establishes that someone else had the care, custody, and control of the motor vehicle subject to
11 the toll when the toll was incurred. The person must send the request for review to the
12 Authority within 30 days ~~after receiving the bill for the toll, of the date of the invoice sent by~~
13 ~~the Authority.~~ A person who does not send a request for review to the Authority within this
14 time limit waives the right to a review. If a person sends a timely request for review to the
15 Authority, the Authority may not collect the disputed toll and any processing fee added to the
16 bill for the toll until the conclusion of the review process in this section.

17 (b) Administrative Hearing. – If the Authority conducts an informal review under
18 subsection (a) of this section and determines that the person who requested the review is liable
19 for the toll, the Authority must send the person a notice informing the person of the Authority's
20 determination. The person may contest this determination by filing a petition for a contested
21 case hearing at the Office of Administrative Hearings in accordance with Article 3 of Chapter
22 150B of the General Statutes.

23 (c) Judicial Review. – Article 4 of Chapter 150B of the General Statutes governs
24 judicial review of a final decision made in a contested case authorized under subsection (b) of
25 this section."

26 **SECTION 7.** This act becomes effective December 1, 2010, and applies to
27 offenses committed on or after that date.
28

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE DRH50815-RWz-27 (04/08)

Short Title: Bicycle Safety Changes.

(Public)

Sponsors: Representative Cole.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO ENSURE THE SAFE OPERATION OF BICYCLES BEING OPERATED IN
GROUPS OF TWO OR MORE ON THE STATE'S STREETS AND HIGHWAYS, AS
RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT
COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-171.3. Operation of bicycles on streets and highways.

Bicyclists riding bicycles upon a street or highway shall not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane. Persons riding two abreast shall move into a single file formation as quickly as is practicable when being overtaken from the rear by a faster moving vehicle.

SECTION 2. This act becomes effective December 1, 2010, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

D

SENATE DRS65015-RWz-26 (03/31)

Short Title: Regulate Towing from Private Lots.

(Public)

Sponsors: Senator Rucho.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO STRENGTHEN THE REGULATION OF THE TOWING OF VEHICLES
FROM PRIVATE LOTS IN CERTAIN COUNTIES AND CITIES, AS RECOMMENDED
BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-219.2 reads as rewritten:

"§ 20-219.2. Removal of unauthorized vehicles from private lots.

(a) It shall be unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park a motor or other vehicle in such private parking space without the express permission of the owner or lessee of such space; provided, that such private parking lot be clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance ~~thereto~~ thereto, displaying the name and phone number of the towing and storage company, and the parking spaces within the lot be clearly marked by signs setting forth the name of each individual lessee or owner; a vehicle parked in a privately owned parking space in violation of this section may be removed from such space upon the written request of the parking space owner or lessee to a place of storage and the registered owner of such motor vehicle shall become liable for removal and storage charges. Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.

(a1) Any vehicle removed pursuant to this section shall not be transported for storage more than 15 miles from the place of removal.

(a2) Any person or company that tows or stores a vehicle pursuant to this section shall charge reasonable fees for the services rendered, and any fee charged shall not exceed the fee for other service calls the person or company provides for the same service, labor, and conditions.

(b) Any person violating any of the provisions of this section shall be guilty of a Class 3 misdemeanor and upon conviction shall be only fined not more than ten dollars (\$10.00) in the discretion of the court.

1 (c) This section shall apply only to the Counties of Craven, Dare, Forsyth, Gaston,
2 Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson and to the
3 Cities of Durham, Jacksonville, Charlotte and Fayetteville. "

4 **SECTION 2.** This act becomes effective October 1, 2010.

